

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MARYLAND
Greenbelt Division**

In re: SERETHA DAVIS Debtor.	Case No. 06-10210-NVA Chapter 13
W. CLARKSON MCDOW, JR., UNITED STATES TRUSTEE Plaintiff, v. SERETHA DAVIS, Defendant.	Adv. Proceeding No. _____

**COMPLAINT OBJECTING TO DISCHARGE
11 U.S.C. §1328(F)(1)**

W. Clarkson McDow, Jr. (“U.S. Trustee”), United States Trustee For Region Four, by counsel, hereby files this Complaint, pursuant to sections 1328(f)(1) of the Bankruptcy Code, objecting to the discharge of the Defendant, Seretha Davis. In support of this Complaint, the U.S. Trustee states as follows:

Jurisdiction and Venue

1. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(J).
2. The Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 157 and 1334.
3. Seretha Davis (“Defendant”) currently resides in White Plains, Maryland.

4. On January 13, 2006, the Defendant filed a filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code in the instant case.

5. Defendant previously filed a petition for relief under Chapter 7 of the Bankruptcy Code on August 20, 2003, Case No.: 03-13896 in Alexandria, Virginia. The Defendant received a discharge in Chapter 7 in that case on December 3, 2003.

6. Pursuant to 11 U.S.C. § 1328(f)(1), a Debtor may not receive a discharge in the instant case if she has been granted a discharge in Chapter 7 within the four-year period preceding the date of filing of this case.

7. Given the fact that the Defendant initiated this Chapter 13 within four-years since she filed a Chapter 7 case in which she was granted a discharge, the Defendant is not entitled to receive a discharge in this case.

WHEREFORE, the U.S. Trustee respectfully requests that this Court issue an order denying Defendant a discharge in this case.

W. Clarkson McDow, Jr.
United States Trustee, Region 4

By Counsel

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